

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, MARCH 20, 2006

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, March 20, 2006 at 7:08 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Ballew, Ralston, Lundberg, Woodrow, and Pishioneri. Also present were Interim City Manager Cynthia Pappas, City Attorney Joe Leahy, Finance Director Bob Duey, City Recorder Amy Sowa and members of the staff.

Councilor Fitch was absent (excused).

Mayor Leiken acknowledged a troop of Boy Scouts that were present in the audience. The scouts were from the Thurston area.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

1. Thurston High School Cheerleaders Recognition.

Mayor Leiken recognized the Thurston High School Cheerleading Squad following their second place finish in the OSAA State Cheerleading Championship. He gave each member of the squad a copy of a proclamation prepared for them. Mayor Leiken said on behalf of the City of Springfield, he was very proud of the members of the squad. Mayor Leiken also thanked the parents of the squad members for their dedication and for sharing their students with the community.

2. Library Kick-off Proclamation.

Mayor Leiken acknowledged that April 2006 would be Springfield Public Library month. He encouraged people to visit the Library and enjoy the many activities planned.

CONSENT CALENDAR

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE THE CONSENT CALENDAR. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch).

1. Claims

- a. Approval of the February 2006, Disbursements for Approval.

2. Minutes

- a. February 27, 2006 – Work Session
- b. March 6, 2006 – Work Session
- c. March 6, 2006 – Regular Meeting
- d. March 13, 2006 – Work Session

3. Resolutions

- a. RESOLUTION NO. 06-07 – A RESOLUTION TO ACCEPT PROJECT P20389 FROM H&J CONSTRUCTION, INC. IN THE AMOUNT OF \$195,318.08.
- b. RESOLUTION NO. 06-08 – A RESOLUTION TO ACCEPT PERMIT PROJECT P30345; LANE TRANSIT DISTRICT SPRINGFIELD STATION.
- c. RESOLUTION NO. 06-09 – A RESOLUTION TO ACCEPT PROJECT P20289 FROM WILDISH CONSTRUCTION COMPANY IN THE AMOUNT OF \$137,482.30.
- d. RESOLUTION NO. 06-10 – A RESOLUTION TO ACCEPT PERMIT PROJECT P30428; SOUTH SIXTH STREET IMPROVEMENTS.

4. Ordinances

- a. ORDINANCE NO. 6161 – AN ORDINANCE AUTHORIZING THE CITY MANAGER AND THE COUNCIL TO OFFER REWARDS IN CONNECTION WITH DAMAGE TO CITY PROPERTY, AND ADDING SECTIONS 5.800 THROUGH 5.808 TO THE SPRINGFIELD MUNICIPAL CODE.
- b. ORDINANCE NO. 6162 – AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD AMENDING ARTICLE 1, “SPRINGFIELD BUILDING CODE ADMINISTRATIVE CODE” OF THE SPRINGFIELD DEVELOPMENT SERVICES DEPARTMENT; COMMUNITY SERVICES DIVISION BUILDING SAFETY CODE.

5. Other Routine Matters

- a. Approval to Award the Contract for Franklin Boulevard (Highway 126) and McVay Highways and Gateway/Beltline Intersection Project Development and Planning Services to CH2M Hill in the Amount of \$550,000.

PUBLIC HEARINGS

1. Supplemental Budget Resolution.

RESOLUTION NO. 06-11 – A RESOLUTION ADJUSTING RESOURCES AND REQUIREMENTS IN THE GENERAL FUND, STREET FUND, SPECIAL REVENUE FUND, COMMUNITY DEVELOPMENT FUND, RIVERBEND DEVELOPMENT FUND, BUILDING CODE FUND, FIRE LOCAL OPTION LEVY FUND, POLICE LOCAL OPTION LEVY FUND, DEVELOPMENT PROJECTS FUND, DRAINAGE CAPITAL

PROJECTS FUND, URBAN RENEWAL DISTRICT FUND, STREET CAPITAL FUND,
EMERGENCY MEDICAL SERVICES FUND, STORM DRAINAGE OPERATIONS
FUND, BOOTH KELLY FUND, INSURANCE FUND, AND VEHICLE AND
EQUIPMENT FUND.

Budget Officer Bob Brew presented the staff report on this item. At various times during the fiscal year the Council is requested to make adjustments to the annual budget to reflect needed changes in planned activities, to recognize new revenues, or to make other required adjustments. These adjustments to resources and requirements which change the current budget are processed through supplemental budget requests that the Finance Department schedules on an annual basis.

This is the third of four scheduled FY06 supplemental requests to come before Council. The supplemental budget being presented includes: adjusting resources and requirements in the General Fund, Street Fund, Special Revenue Fund, Community Development Fund, RiverBend Development Fund, Building Code Fund, Fire Local Option Levy Fund, Police Local Option Levy Fund, Development Projects Fund, Drainage Capital Projects Fund, Urban Renewal District Fund, Street Capital Fund, Emergency Medical Services Fund, Storm Drainage Operations Fund, Booth Kelly Fund, Insurance Fund, and Vehicle and Equipment Fund.

The City Council is asked to approve the attached Supplemental Budget Resolution.

Mr. Brew discussed several of the adjustments.

Councilor Ballew noted that most of the \$5.5M in appropriations came from PeaceHealth. She asked if \$300,000 was taken out of reserve.

Mr. Brew said many of the figures listed on page 3 of 4 were moving money out of reserves for various activities. He said about \$410,000 came from reserves.

Ms. Pappas said the first item at \$15,079 listed under New Appropriations on page 3 of 4 and the \$40,000 item both came from General Fund reserves. The others were from special reserves.

Mr. Brew noted that the first item actually came from the insurance fund transferred into the General Fund.

Mayor Leiken opened the public hearing.

1. Fred Simmons, 312 South 52nd Place, Springfield, OR Mr. Simmons said he had two issues. His first question was regarding the \$90,000 in SEDA appropriations. He thought the anticipated revenue for SEDA was already in the original budget. He said it was not clear from this document what the total amount of anticipated receipts would be for the current fiscal year because he recalled they would be \$50,000. His other comment was regarding the expenditure of \$300,000. He said funds had already been transferred from the Road Fund to pay for street sweeping into the storm sewer user fee. The City had failed to collect \$100,000 a year from ODOT for the storm drains on Main Street and the City was now taking \$3000 from a combined Street Fund and Drainage Fund to "remove litter from around City Hall". He said those dollars needed to be considered. Although they were small, they added up to big money. He said he was opposed to those two transfers unless he heard basis in fact for the incremental funding from Glenwood.

Mr. Brew said when the Urban Renewal District was established, the City loaned the Urban Renewal District \$1.5M which went into reserve. At that time, money was not appropriated for operations. This transaction allowed the Urban Renewal District to move some money into their operations account so they could repay the City for staff time and expenses.

Mr. Brew referred to Mr. Simmons' second question regarding the clean-up around City Hall. He asked Public Works Director Dan Brown to address that question.

Mr. Brown said the \$3000 increase request was for money that was used by city staff to pressure wash the sidewalks. The Budget Committee had provided \$5000 about fifteen years ago and it was not enough anymore. A temp service was hired to perform that work.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT RESOLUTION NO. 06-11. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch)

2. Master Resolution for Miscellaneous Fees and Charges.

RESOLUTION NO. 06-12 – A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD ADOPTING A MASTER SCHEDULE OF MISCELLANEOUS FEES AND CHARGES, RATES, PERMITS, AND LICENSES.

Budget Officer Bob Brew presented the staff report on this item. The Council adopted by resolution an updated master resolution for miscellaneous fees and charges on March 06, that included fees authorized by the Development Code. Subsequently, seven (7) errors of a clerical nature were found that require correction prior to new fees going into effect in April. The nature of these errors requires a new public hearing and it is requested that an updated resolution be adopted prior to the effective date.

Upon review of the resolution adopted by Council on March 06 updating fees authorized by the Development Code, it was discovered that seven (7) errors of a clerical nature were made in the resolution. Each of the errors made were in fees that had previously existed in the master schedule and whose intended amounts or wording can be determined through existing documentation. The following are the recommended corrections in the previous resolution:

- 1) Final Site Plan Review/Development Agreement in the Urban Growth Boundary should refer to Footnote (1) and not N/A.
- 2) The Tree Felling Permit base fee was increased to \$924 and included a reference to footnote # 2 for the additional per tree charge. The footnote was not updated and should read: Tree Felling Fees – Tree felling – Less than five (5) trees no charge or application required; 6 – 10 trees, base fee (see fee schedule) + \$50 per tree; > 10 trees, base fee (see fee schedule) + \$500 per acre. Filbert orchards pay base fee only.
- 3) Vacation Public Easements shows an incorrect charge for inside the urban growth boundary. The correct amount should be \$1,757.
- 4) Subdivision Plat LDR should be \$715+\$446/lot
- 5) Expedited Land Division was moved to the bottom of the list of SUBDIVISION CASE TYPES to avoid confusion with LDR Subdivision Tentative Plans.
- 6) Pre-Application Report should read N/A rather than Type I.

- 7) General Notes, Expedited Processing Fee should read “Any request to prioritize and expedite the review of a particular application submittal out of order in which applications are received, shall be approved at the discretion of the Director and shall be charged a non-refundable fee of \$11,000 or 3 times the application fee, whichever is greater; where the development area is greater than 10 acres an additional fee of \$550 per acre will be charged.

Councilor Ralston said there was no fee for felling less than five trees. He asked if that was correct and if it included any size tree.

Planning Manager Greg Mott said the tree felling ordinance applied when five or more trees were to be felled. Those included trees of more than five or six inches in diameter.

Mayor Leiken opened the public hearing.

1. Fred Simmons, 312 South 52nd Place, Springfield, OR Mr. Simmons referred to his last comment on the SEDA amount and said he was not aware the City had finalized the loan to the Urban Renewal District. He then discussed the fees and charges. He discussed the JobCare membership as noted on page three of nine in the Agenda Packet. He said the FireMed membership was increased to \$52 for the average citizen, but maintained \$40 per household through JobCare membership. He said that meant that if someone worked for a company that participated in the JobCare Program, they could get the service for \$40, yet the citizen who was not employed by such a company would have to pay \$52. He said it was an issue of equal treatment. He suggested it be researched for next year.

Mayor Leiken closed the public hearing.

Councilor Ballew agreed the JobCare issue should be looked into.

Councilor Woodrow questioned whether or not that program had been stopped.

City Attorney Joe Leahy said it was one of the City’s programs that was no longer in affect.

Councilor Woodrow agreed it should be looked into for next year.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT RESOLUTION NO. 06-12. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch)

3. 2007-2011 Capital Improvement Program – A Community Reinvestment Plan.

City Engineer Ken Vogeney presented the staff report on this item. The draft City of Springfield 2007-2011 Capital Improvement Program, A Community Reinvestment Plan, was reviewed at the Planning Commission’s February 7, 2006 meeting. The Commission recommended Council approval of the plan.

It was reviewed at Council work session, February 13, 2006. No changes were requested by Council, and none have been made since that meeting. Public notice of this Public Hearing was printed in the Springfield News on March 10th and 17th.

The CIP attempts to balance the use of scarce capital construction funds with the long list of infrastructure needs for our community. It is not a document with budget authority, but it serves as a guide for programming funds and planning the annual workload of Public Works staff.

There are a few completely new projects being proposed in the next five years of programmed funding, and we are making significant progress toward completing the backlog of projects from previous year's capital plans. These items are detailed in the Council Briefing Memorandum included in the agenda packet.

Councilor Ballew asked if the CIP was the basis for the system development charges (SDC's).

Mr. Vogeney said the basis for the SDC's would be from the actual adopted project list for SDC projects. SDC Funds were then used to pay for some or all of the costs of projects in the CIP. He said SDC's were the funding source for the CIP.

Councilor Ballew asked if staff used several years to anticipate SDC's or just one year.

Mr. Vogeney said as a five-year plan for spending the revenues through SDC's and other sources it was a longer year look. Financial projections were based on prior year SDC collections.

Councilor Ballew asked if they had considered a ten-year plan.

Mr. Vogeney said that would be a challenge. He explained why.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

Mayor Leiken noted the figures listed and the amount of growth Springfield was experiencing. He thanked staff for bringing forth great projects.

Councilor Woodrow thanked staff for adding "A Community Reinvestment Plan" to the title.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT THE 2007 – 2011 CAPITAL IMPROVEMENT PROGRAM (CIP). THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch).

4. Public Hearing on 2006 Justice Assistance Grant.

Police Chief Jerry Smith presented the staff report on this item. The City of Springfield is eligible to receive \$17,864 in federal funds from the 2006 Justice Assistance Grant. The funds may generally be used for any purpose relating to the criminal justice system, excluding construction projects and security projects.

No match funding is required, however, grant funds may not supplant general fund resources.

The recommendation is to use the 2006 funds towards the contractual costs of the Public Safety Coordinating Council (anticipated contract \$18,166).

The purpose of the public hearing is to solicit further suggestions from the community for possibilities to expend these funds. No additional action is required by the Council.

Councilor Ballew asked how long it had been since the benefit Springfield received from the Public Safety Coordinating Council (PSCC) had been evaluated.

Councilor Lundberg asked where the funds could appropriately be used if not for the PSCC.

Chief Smith said these funds could be used for just about anything.

Ms. Pappas said the City's portion was about \$18,000 so the grant funds would only cover part of the PSCC dues. She said the funds could be used for other needs in the Police Department. The PSCC was last evaluated three years ago.

Councilor Lundberg asked to have staff bring this issue up during the budget process. She said the Budget Committee would be looking at several memberships and where the City's funds were best utilized. She would like some clear sense of benefit versus cost and participation.

Chief Smith said it was unclear how much they would receive in the next year.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

Councilor Woodrow asked if Springfield had to be a member of the PSCC by statute.

Ms. Pappas said Springfield did have to participate by statute. The agreement made when the PSCC was reconstituted from 27 down to 19 members, was that a contract would be signed with Lane County. The County would provide an analyst and this money would pay for the analyst to provide information and data to the PSCC.

Councilor Woodrow agreed and said a staff person from Lane Council of Governments (LCOG) did all the staff work for PSCC.

Councilor Ballew asked about whether or not this was intended to go on forever. She said once the issues were identified, the PSCC should discontinue.

Councilor Woodrow said the work plan had been changed to authorize the budget to go to the County for the different programs. The City did have input on that which was a benefit to our citizens.

Councilor Lundberg said this year would not be the year to make this change. She asked if this grant was applied for each year. She said it had to go in this year, but would want to look at other options for future applications. If possible, divide the application and ask for a variance. Look at

the PSCC to see what statutorily Springfield was required to do and what kind of contribution made sense in terms of a work plan.

Mayor Leiken said it would probably take the state legislature to remove the requirement to be in the PSCC. He said there may come a time when the Mayor and Council would want to sit down and have that discussion with Senators Morrisette and Representative Beyer.

Councilor Ballew asked for a brief report from the City Manager's Office on what the City was required to do regarding PSCC.

Mayor Leiken agreed.

Ms. Pappas said she could provide such a report. She said she would also bring this up for discussion with the partners at SEL (Springfield, Eugene and Lane County) to see if it still made sense to continue funding for a staff person at the level currently being funded.

NO ACTION REQUESTED.

5. Business License Program.

Finance Director Bob Duey presented the staff report on this item. The City Council held a first reading and public hearing of an ordinance for a Business License Program on February 21st. A second reading and public hearing was held on March 6, 2006. At the conclusion of the second public hearing, Council approved extending the public hearing until March 20 to encourage continued dialogue between the Springfield Chamber and the City.

The Springfield Chamber Board of Directors, Mayor Leiken, Councilor Fitch and city staff has been involved in the continued discussions concerning the Business License Program and securing operating funding for the planned municipal jail.

Mayor Leiken has requested that the Council extend the open public hearing until April 17, 2006 to allow an additional four weeks for the discussions to continue.

Councilor Ballew said Council kept pushing forward about how to finance operations of a jail. She said funding the operations of the jail was critical because the citizens were told the jail would not be built unless we had money to finance the operations. She said she was frustrated because funding had not been identified and Council moved forward as if there was funding. She said a vote of some kind was needed from the public whether or not they supported the jail.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO EXTEND PUBLIC HEARING ON THE BUSINESS LICENSES PROGRAM UNTIL APRIL 17, 2006. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch).

BUSINESS FROM THE AUDIENCE

1. Curtiss Greer, 357 55th Street, Springfield, OR Mr. Greer discussed the funding needed for signage for the bike path and funds needed for jail staffing. He said it had been a struggle for him to change. He said the actions of Council were succeeding in building a wall between the races. He said Springfield did not have a large black population, yet Council only chose

to honor the black race to the rejection of the white race. Springfield has no president's names on streets because Eugene had them. He asked where the balance was. He suggested honoring the action rather than the person.

2. Buck Biggs, Best Cash, 1840 Main Street, Springfield, OR Mr. Biggs said Council would be hearing a proposed ordinance on electronic reporting for used merchandise in a couple of weeks. He said the purpose of the change was to require those dealers to electronically report transactions to a central database. Currently all transactions were reported by paper copies collected by the Police Department and logged into the local, state and national database. Many shop owners, including Mr. Biggs, agree that electronic reporting would be a good idea. He explained some reasons why. One of the problems with the proposed changes was the expense to private business. Businesses were being asked to add man hours, equipment and training, plus paying a cost for a third party company to maintain the database. Many shops were not yet computerized and would need to spend several thousand dollars for equipment and software. At the April 3 work session, Council would most likely see a presentation by a Eugene detective that would try to convince the Council that electronic reporting would make solving property crimes easier. He recommended Council ask to see proof that more cases were solved with the DWI pilot project stores than other stores. He said they were not able to answer that question to the Lane County Commissioners. Local police use three separate database systems and none interface with the other. It doesn't make sense to add a fourth system. He said some jurisdictions tried electronic reporting but found it caused more problems and had gone back to paper reporting. He said counties around Washington DC had paid DWI \$1.12M to have an in house system built and put into place, nearly \$63,000 per county. He said the City of Eugene wanted the City of Springfield to sign a \$500,000, five-year contract with DWI to host the database. At the end of the five years, another more expensive contract would await the City. In Mr. Biggs' opinion, more time was needed to explore the possibility of a County or Statewide system before making any changes. If a third party company must be used, he felt the governing body should at least bear the cost until a Statewide or in-house system could be created. With rapidly changing technology, Springfield should not lock itself into a five year contract. He said property crime was out of control, but not because of their stores. Most of the crime was related to methamphetamine and until that was controlled, property crimes would continue to grow.
3. Shannon Wilson, 3920 East 17th Avenue, Eugene, OR Mr. Wilson spoke regarding the proposed bicycle path in Glenwood. He became aware of this path in November and he wrote a letter to Council in December. At that point it looked like the path would not be built and he tried to get a response from Council. He said he also spoke with Nick Arnis about this, but Mr. Arnis couldn't give Mr. Wilson any positive response on whether or not the path was going to be built. He said this had been a public safety issue for many years. He said there were more bicyclists riding on Franklin Boulevard, along with more cars and busses, making it more hazardous. For the safety of all, this bike path could save lives. People had been hit and killed on Franklin Boulevard over the years and it would only get worse. He said opening up one block with the bike path was a simple solution. He said it was a safety issue for drivers, as well as bicyclists. He urged Council to find the funds to build this path. Lane Transit District (LTD) was willing to give the property for the path.

Councilor Woodrow responded to Mr. Greer's comments. He said he was disappointed that the public didn't know that PeaceHealth would have a pathway named after former Councilor Lyle Hatfield. With assistance from the Springfield staff and Council, the Jasper Road Extension

(JRE) would be named after the only governor from Springfield, Governor Straub. Springfield had named things after other people rather than Martin Luther King and Rosa Parks.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

1. Correspondence from Nick Staihar, 1110 Virginia Avenue, Moscow, ID Regarding Urban Projects and His One Acre Lot Located at 304 Q Street. (Staff response attached)
2. Correspondence from Wayne Vajgert, Main Street Consignment, 2053 Main Street, Springfield, OR Regarding a Possible Electronic Reporting of Second Hand Dealer's Report. (Staff memo attached for this correspondence and the next.)
3. Correspondence from Lance Barkley (Your Place, 3796 Franklin Boulevard, Eugene, OR), Gil Burgess (Ace Traders, 3697 Franklin Boulevard, Eugene, OR), and Buck Biggs (Best Cash, 1840 Main Street, Springfield, OR) Regarding an Automated 2nd Hand Dealer Reporting System.
4. Correspondence from Gene Highfill, 5520 Highbanks Road, Springfield, OR Regarding the Fire Suppression Division and Fire Response Fees.
5. Correspondence to Larry Reed, JRH Engineering, Eugene, OR and Cc'd to the Springfield Mayor and City Council from Mark Buckbee, Acting District Manager, Bureau of Land Management (BLM), P.O. Box 10226, Eugene, OR.
6. Correspondence from Ben Carey, General Delivery, Bend, OR Regarding Web Pictures.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ACCEPT THE CORRESPONDENCE FOR FILING. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch).

BIDS

ORDINANCES

BUSINESS FROM THE CITY COUNCIL

1. Business from Council
 - a. Committee Reports
 1. Councilor Woodrow reported on the Public Safety Coordinating Council (PSCC). He said at the meeting prior to the last, he asked all members of the PSCC to go through the work plan that had been approved and let him know what could or could not be fulfilled. He said he received a four page letter from the District Attorney (D.A.) saying he could not do what was required of him. He received comments from Linda Eaton from the Sheriff's office that they could not fulfill the work plan. In two weeks, PSCC would meet with a committee to determine what could or couldn't be done and remove those things that could not be done. By September, there may only be a few things left on the work plan.
 2. Mayor Leiken discussed the Oregon Transportation Commission (OTC) visit and tour on Wednesday. He said Ms. Pappas went along on the tour and did a great job representing Springfield. Mayor Leiken did attend the dinner and spoke before the Commission. He

said he had some good discussions with the new director, Jeff Sheik of ODOT and made it clear how Springfield felt about the I-5/Franklin interchange. At this time, OTC would remain a partner in moving the study forward. He noted the \$150M worth of State and Federal projects scheduled for the next ten to twenty years in our area. He said the I-5/Beltline interchange was a model of public participation and the ODOT staff and OTC Commission members agreed. He said overall it was a positive evening and he was proud to be invited.

3. Councilor Pishioneri discussed the tour he conducted of the Lane County Jail for Springfield staff and Council members last week. He said he really enjoyed their company.

Councilor Ballew said it was a wonderful tour and she appreciated him taking his personal time to lead the tour.

4. Mr. Leahy said a report was provided to Council from the City Attorney's Office regarding the Texas Holdem ordinance indicating there was one area out of compliance with State law. Councilor Pishioneri had asked the City Attorney's Office to prepare an ordinance for Council consideration to bring Springfield's Texas Holdem ordinance into compliance and he noted he was preparing that ordinance.
5. Mayor Leiken referred to the bike path in Glenwood that Mr. Wilson had discussed under Business from the Audience. Mayor Leiken said he would like a memo from staff to Council regarding this issue and the status at this point.

Ms. Pappas said she would let Mr. Wilson know a memo would be going to Council.

6. Councilor Pishioneri discussed the Parkway bike path. He noted that out of the \$3000 for signage, a public group had offered to contribute \$2000 and the other \$1000 would be brought to TEAM Springfield. It would not be just a City cost.

BUSINESS FROM THE CITY MANAGER

1. Property Acquisition for the 21st Street Reconstruction Project, J Street to D Street (P20405).

RESOLUTION NO. 06-13 – A RESOLUTION AUTHORIZING THE INSTITUTION OF A PROCEEDING IN EMINENT DOMAIN FOR THE ACQUISITION OF PROPERTY INTEREST FOR THE 21ST STREET RECONSTRUCTION CITY OF SPRINGFIELD PROJECT NO. P20405 AND THE IMMEDIATE POSSESSION OF PROPERTY.

Civil Engineer Jeff Paschall presented the staff report on this item. The subject partial property acquisition has been difficult despite extended negotiations with the property owner. At present the property owner has not assented to the acquisition. For the project to move ahead on schedule, Council must adopt the resolution to exercise powers of eminent domain.

Design work for the 21st Street Improvement project is being finalized, with construction to begin this summer. Funding for this project is secured with a combination of City Street funds and Federal grants, rather than the City standard assessments of abutting property owners. When the right of way acquisition process began, we had 48 parcels to negotiate. Today we have only one left. This is the same parcel we discussed with Council on March 6, 2006, and unfortunately

the owner of this parcel has rejected the City's initial offer and a subsequent counteroffer made during negotiations. We have tried, but remain unable to negotiate a reasonable price based on fair market value.

In September 2005, the City and Lane County entered into an Intergovernmental Agreement (IGA) for Right of Way Acquisition Services. Under the terms of the IGA, the attached resolution will authorize Lane County to proceed with eminent domain with an estimated cost of \$5,000 for their effort.

In order for the project to remain on track for this construction season, staff asks the Council to exercise powers of eminent domain and adopt the resolution.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT RESOLUTION NO. 06-13. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch).

BUSINESS FROM THE CITY ATTORNEY

ADJOURNMENT

The meeting was adjourned at 8:02 p.m.

Minutes Recorder Amy Sowa

Sidney W. Leiken
Mayor

Attest:

City Recorder